

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6956**

**BILL NUMBER:** HB 1155

**NOTE PREPARED:** Dec 29, 2010

**BILL AMENDED:**

**SUBJECT:** Reduction or Suspension of Sentences.

**FIRST AUTHOR:** Rep. Thompson

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. It provides that if a person is convicted after June 30, 2011, at the time the person is sentenced, the court that sentences the person may set a date after which the court may conduct at least one hearing: (1) to consider modifying the person's sentence; (2) that is held after the date the convicted person begins serving the person's sentence; (3) at which the convicted person is present; and (4) of which the prosecuting attorney has been notified.
- B. It allows the court to reduce or suspend the person's sentence after the hearing.

(Current law allows a court to reduce or suspend a convicted person's sentence after a hearing is held: (1) if not more than 365 days have passed since the person began serving the person's sentence; or (2) if more than 365 days have passed since the person began serving the person's sentence, only with the approval of the prosecuting attorney or if the person is placed in a community corrections program.)

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:** Any reductions in sentencing would be at the discretion of the criminal court judge. This bill could reduce Department of Correction (DOC) population but LSA cannot estimate whether the reduction would be substantial. Under current law, a criminal court judge cannot reduce or suspend an offender's sentence after 365 days without approval of the prosecuting attorney. This bill would permit the judge to reduce or suspend a portion of an offender's sentence after 365 days without approval of the prosecuting attorney

Background – Under current law, a court can reduce a convicted person’s length of stay in a DOC facility in one of two ways:

1. Shock Probation – If before an offender has spent 365 days in prison, the court can order a hearing to reduce or suspend an offender’s sentence, review a report issued by the DOC about the offender’s conduct while in prison, and reduce or suspend the offender’s sentence after citing reasons in the record.
2. Sentence Modification – After an offender spends more than 365 days in prison, the court can still order a hearing to reduce an offender’s sentence, but the county’s prosecuting attorney must approve this reduction.

Shock probation is used sparingly by Indiana’s criminal courts and is no longer reported in the annual publications distributed by the Indiana Supreme Court Division of State Court Administration. In 2006 and 2007, respectively, 192 and 166 felony offenders were released from DOC facilities on shock probation and committed to local probation departments. No information was reported on the number of offenders who are released with a sentence modification.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** DOC.

**Local Agencies Affected:** Courts with criminal jurisdiction; Probation departments.

**Information Sources:** *Indiana Probation Reports* 2006, 2007.

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.